

JUL 31 2008

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RAFAEL REYES-QUINTERO, a/k/a
Rafael Martinez-Martinez,

Defendant - Appellant.

No. 05-50714

D.C. No. CR-05-00349-IEG

MEMORANDUM *

Appeal from the United States District Court
for the Southern District of California
Irma E. Gonzalez, District Judge, Presiding

Submitted July 22, 2008 **

Before: B. FLETCHER, THOMAS, and WARDLAW, Circuit Judges.

Rafael Reyes-Quintero appeals from the 70-month sentence imposed
following his guilty-plea conviction for being a deported alien found in the United

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

States, in violation of 8 U.S.C. § 1326. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

Reyes-Quintero contends that the district court erred at sentencing by failing to consider the factors set forth in 18 U.S.C. § 3553(a), and by failing to provide sufficient reasons for the sentence it imposed. He also contends that his sentence is unreasonable in light of the § 3553(a) factors. We conclude that the district court did not commit procedural error and that Reyes-Quintero's sentence is substantively reasonable. *See Rita v. United States*, 127 S. Ct. 2456, 2468-69 (2007); *Gall v. United States*, 128 S. Ct. 586, 600-02 (2007); *see also United States v. Carty*, 520 F.3d 984, 995-96 (9th Cir. 2008) (en banc).

AFFIRMED.